

MINUTES OF THE CITY OF LAS VEGAS HOUSING AUTHORITY COMMISSION MEETING HELD ON WEDNESDAY AUGUST 15, 2018 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.

MADAM CHAIR: Tonita Gurulé-Girón

COMMISSIONERS: David Ulibarri Jr.
Barbara Casey
Vince Howell
David Romero
Ember Davis

ALSO PRESENT:

Barbara Padilla, Interim Housing Director
Natasha Martinez-Padilla, Finance Specialist
Danelle Smith, Acting City Attorney

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Madam Chair Gurulé-Girón asked Commissioner David Romero to offer the moment of silence. Commissioner Romero offered a moment of silence for those community members who we have lost in the last week or so. Continued blessings for the moisture we have been having and hopefully we get more tonight, and continued blessings for the council sitting here now, that we do the right thing.

APPROVAL OF AGENDA

Commissioner Ember Davis made a motion to approve the agenda as presented. Commissioner David Romero and Commissioner David Ulibarri Jr. seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner David Ulibarri Jr.	Yes
Commissioner Vince Howell	Yes
Commissioner David Romero	Yes
Commissioner Ember Davis	Yes
Commissioner Barbara Casey	Yes

Barbara Padilla re-read the motion and advised the motion carried.

APPROVAL MINUTES

Commissioner Barbara Casey made a motion to approve the minutes of the meeting on July 18, 2018 with minor corrections having been submitted and corrected. Commissioner Vince Howell seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner David Romero	Yes
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Commissioner Vince Howell	Yes
Commissioner Ember Davis	Yes
Commissioner Barbara Casey	Yes
Commissioner David Ulibarri Jr.	Yes

Barbara Padilla re-read the motion and advised the motion carried.

PUBLIC INPUT

None at this time.

PRESENTATION – HOUSING AUTHORITY FINANCE REPORT

Natasha Martinez-Padilla, Financial Specialist presented the Housing Authority's Revenue and Expenditure report for the month ending July 31, 2018. This is the first FY 2019 Revenue and Expenditure report. She stated that Revenues are at 8% and Expenditures are at 5%. Operating Expenses are low at this point, but we should be catching up on expenses as we go through the next few months.

DISCUSSION

Compliance Monitoring Review – HUD Response

Interim Director Barbara Padilla stated that the Commissioners packets contain HUD's responses to the 18 findings that were listed on the Compliance Monitoring Review. She stated that of the 18 findings, 11 findings have been approved by HUD and 7 are marked as Incomplete. Madam Chair Gurulé-Girón asked Interim Director Padilla to give a full explanation as to how we got here. Interim Director Padilla explained that the original letter was addressed to the Mayor of the City of Las Vegas on December 22, 2017 from the Department of Housing and Urban Development. This letter was submitted after a review of the HA and City of Las Vegas Policies. There were 18 Findings noted. The HA and City of Las Vegas were given a deadline of February 28, 2018 to address the findings. A binder with responses was submitted to HUD on February 28, 2018. Interim Director Padilla stated that the City Manager received the responses from HUD which addresses each of the findings. Interim Director asked Madam Chair Gurulé-Girón if she wanted her to go through each response or how she would like her to present them. Madam Chair Gurulé-Girón stated she is thinking she can read the responses, the regulatory citation, and the corrective action. She stated, so essentially all the work that we did, did not correct any action. Interim Director Padilla stated it addresses each finding. She stated, the 1st finding states it is incomplete and as you go down each one, it gives a response to what was submitted. Interim Director Padilla went down the 18 finding numbers stating which were complete and which were incomplete. Out of the 18 findings, 11 were completed and HUD accepted. Madam Chair Gurulé-Girón stated to start with the incomplete ones. Natasha Martinez-Padilla read finding number one. The corrective action that was asked of the City of Las Vegas, was that all Board Members complete the Lead the Way Board Training no later than February 28th. Mrs. Martinez-Padilla read that this finding was incomplete. She read HUD's response which stated it does not include documentation affirming that all board members completed the training. The HUD office confirmed that Councilors Casey, Howell, Romero and resident commissioner Ember Davis confirmed completion. Natasha Martinez-Padilla stated as she understands, all board members need to complete the training. Madam Chair Gurulé-Girón stated her response to that has been, and it hasn't changed, is that in the past they received a waiver to that. She stated they are going to have their attorney address the incomplete responses. She called on Tana Vega, Interim Finance Director, to address the Commission stating that a lot of the findings seem to be tied into State statutes and our policy. Madam Chair Gurulé-Girón stated she is going to turn it over to Tana Vega and the City Attorney as we move forward because there is a lot of information that she thinks has not been addressed. She stated our attorney has tremendous history with Housing. She doesn't believe that anyone is more qualified to address any of those concerns more than our City Attorney, as well as Tana

Vega, who has been with the city for a long time and understands policy and disposition procedures for detail assets and things of this nature. She stated she does not agree with this report. Madam Chair Gurulé-Girón stated she worked with DFA for a lot of years and they handled a lot of the financials and reading this, she does not agree with the incomplete findings and thinks they were cited incorrectly. Tana Vega stated Finance follows DFA requirements as well as GAAP and GASB. She stated the City's financial auditors in addition to reviewing the City of Las Vegas Financial statements, they also review Housing and they did not make any type of findings saying there was any type of improper reporting of the assets, dispositions, or the methods used for depreciation purposes. Madam Chair Gurulé-Girón asked, and these are professional auditors, correct. Tana Vega stated, these are professional auditors approved through the State Auditor's, yes ma'am.

Commissioner Barbara Casey stated, they were discussing the first finding, and so they will not confuse everyone asked if they can address each finding that is incomplete. Madam Chair Gurulé-Girón stated she moved on to finding #2 because for finding #1, she stated it was pretty much addressed, saying they were given a waiver in the past and she will probably go into rebuttal on that one. She stated the biggest concern she has are the financial findings, because she knows they have given a waiver in the past and she will be addressing that. She stated lets jump into #2 because these are the key findings.

Tana Vega stated finding #2 is the City of Las Vegas Disposition Policy and Procedures. The response stated that they are not detailed enough to properly dispose of assets. She read, although the Board may have approved a policy stating they may dispose of assets, there is no detail on how to dispose, other than the policy stating, approved to dispose of those assets. Mrs. Vega stated, upon a decision to dispose of assets, the State Auditor's office is contacted with a list of the assets, in addition to DFA since these are assets that have been acquired through Federal Funds. It is also the responsibility of Housing to get clearance from HUD to give approval of disposal of those assets.

Commissioner Casey stated, the response is incomplete, and read the response from HUD. She stated, while she understands that Mrs. Vega is diligent in following state statute, what HUD is asking for here is policies and procedures to implement that statute. Mrs. Vega stated, what they are asking for are written policies and procedures. She stated, unfortunately, when they came on board, there are no written policies and procedures. She stated, to the best of her ability, and what she was trained to do through GAAP and through GASB in addition, following the procedures to inform a federal agency for approval to dispose of those assets. She stated they are not written and specifically that's where their response is going to. She stated they need to be written and brought before the Commissioners for approval and adopted. Commissioner Casey stated, so in order to complete that, we need to get that done. Mrs. Vega stated, in the process of answering these findings, they did prepare draft policies and procedures, but the responses do not reference them. She stated this is the first indication that she knows of that they were not approving those written policies and procedures so they were never brought back to Commissioners for approval. Madam Chair Gurulé-Girón said, so those drafts were provided to Mandy, correct. Mrs. Vega stated, yes ma'am. She addressed the question to Housing staff to which Natasha Martinez-Padilla stated, whichever draft was provided by Finance was submitted. She stated when we responded to it, we did cite this one as what we followed because that was the response we got from Finance. Madam Chair Gurulé-Girón asked if there was a draft provided as well. Mrs. Vega stated, yes. Madam Chair Gurulé-Girón asked, if we ever received approval. Mrs. Vega stated, no. Madam Chair Gurulé-Girón asked did we ever receive any information. Mrs. Vega stated they were in draft form. Madam Chair Gurulé-Girón asked did we ever get any feedback. Mrs. Vega stated she never got any feedback, Housing Personnel may have, but she never received feedback from any official at HUD. Commissioner Howell stated from what he understands in reading all of this, is that they wanted an approved policy sent to them. If it's a draft and it hasn't been approved by Council, then they would not approve it. Mrs. Vega stated, that is correct. Mrs. Vega stated they submitted a

final in case there were changes they would like to make if they did not address certain areas and that was the reason behind submitting the draft before bringing it to Commissioners for approval. Acting City Attorney, Danelle Smith stated she did not see anything that they gave us any additional time to respond. We had until February and they are just saying it's incomplete. She asked, have they (HUD) told us we have some additional time to go ahead and adopt these draft policies so that they can then decide whether they are sufficient or not. Mrs. Vega stated that's the deadline they gave us. Natasha Martinez-Padilla stated, they gave us the deadline of February 28th. There were additional policies that Housing had to do, such as amending the ACOP (Admissions and Continued Occupancy Policy) which is 438 pages. She stated the HA did bring this to Commission for approval and did adopt the policy. Acting City Attorney Smith stated all the way through you see that draft policies were provided, so they are not saying go ahead and do it. We've missed the deadline so that's just it, period. Mrs. Martinez-Padilla stated this was the deadline for the compliance for the letter that was given to us. She stated as she understands, HUD wants whoever is managing the HA, whichever entity is managing the HA to have those policies in place for the HA to follow. Acting City Attorney Smith asked, have you talked to them since you received this to find out whether they want us to adopt these draft policies and send them to them. Interim Director Barbara Padilla stated the Housing Authority provided the responses between both the HA and the City of Las Vegas which were combined in a binder. She stated that the HA's HUD analyst, Mandy Griego, was in the office back in March. She did extend an invitation letting everyone know she would be here. Interim Director Padilla stated this is when the HA staff sat with her and went through each of the findings that were the HA's responsibility. She stated the staff was able to get feedback to ensure that everything was done correctly. She mentioned that as Mrs. Martinez-Padilla had stated, some of HA's responses were in draft form at that time they were presented. After the HA did get approval, the HA submitted the approved ACOP. As far as the findings addressed to the CLV (City of Las Vegas), Interim Director Padilla stated they submitted what was given to them and she is not sure if they had feedback from HUD after that. Interim City Manager, Ann Marie Gallegos addressed the Commission stating this is first time they have seen the corrective action plan. This was submitted to us along with the sample resolutions. This was submitted last week. Madam Chair Gurulé-Girón asked, when did they submit to you the actual resolution for approving the transfer, last week as well? Interim City Manager Gallegos stated she received it last Wednesday. Tana Vega stated no one has reached out to Finance and the Interim City Manager. This is the first time they have seen this. Commissioner Vince Howell asked, you had the conference call on July 30th and none of this was discussed in that call? Interim Director Padilla stated the Compliance Review was not discussed at that time, but after that call was when the Interim City Manager received the email, which is also the first time the HA saw these responses. Interim City Manager Gallegos stated they had the conference call on July 30th and then she emailed her (Mandy Griego) back and said she needed more information for the Commissioners. She stated that one of the things they requested the City to do is to bring the resolutions to Commissioners and at that point she said no, we need to have the open discussion prior to any of them making any decisions. She stated that's when they received the resolutions and she said she would bring it to the Commission in draft form only, and this is when she finally attached the findings and the corrective action plan which was not more than a week ago.

Commissioner Casey stated when Mandy Griego was here in March, she met with her and they did not discuss the findings in detail. She stated Mandy mentioned she had not finished receiving responses from the City at that time and she was waiting for those. Interim Finance Director Vega stated that Natasha and Barbara delivered the whole packet along with the proposed policies and procedures on February 28th. She stated everything was submitted on that date and at the same time she was busy working on the special audit so if she did not attend a meeting, she was involved in the special audit meeting. She stated it was delivered on a timely basis and as Interim City Manager Gallegos stated, this is the first time Finance has seen these.

Commissioner Romero stated in his history he's worked with Head Start, which is also a Federal Program. He states he finds it hard to believe we would send a state statute instead of policies. He has seen when policy in the Federal Programs must abide by not only state, but must also reflect the requirements of the Federal Program. Mrs. Vega stated they do follow the Federal Program, like she said. She said she has Housing reach out to HUD, just like any other of our Federal Grants, for example the Police Department. She stated they have to get permission from that Federal Grantee to dispose of those assets, so we are following that. In addition, she is entrusted with following GASB in addition to GAAP, which she does. She stated GASB 34 sets out the standards for reporting. We just don't happen to have them formally written and adopted by the Commissioners or Governing body. Madam Chair Gurulé-Girón stated her understanding is that they were waiting for feedback from Mandy. Mrs. Vega said, yes ma'am. Commissioner Romero stated although this is not an audit finding, it may become one eventually. He said he knows Commissioner Howell has brought up several times, and has asked, are we doing the things we are supposed to. So it's not new that these items that we are discussing today, which are all policy. Which, all it would have taken was to prepare those drafts and bring them to the Commission to review. He stated from December to now in August, it just amazes him that these have not been done and the ball was dropped somewhere. Whether we had received a response or not, even if they had adopted those draft resolutions at least they could have said they did them. It may not be what they want but at least they were adopted. He stated that is the confusing part as to why it was not brought to the Commission. Madam Chair Gurulé-Girón wanted to respond saying she had reviewed some memo's from Mandy that went to Ann Marie and to Tana where she was not working with the administrative staff, she was not accepting recommendations from this level, so she believes the staff sent her something in draft form because there is correspondence that she just was not working with this administration. It's not like the administration dropped the ball and she does not agree with that statement at all. She stated they have been working diligently and it's stated on the audits in addition to providing corrective action responses to Mandy and part of those responses included her thoughts of possibly the City not complying based on her understanding of State policy. She stated she believes the staff didn't drop the ball, she believes they sent her (Mandy) the draft policy for her review and approval, and up until recently, they just received this 7 or 10 days ago. So there had been no response from Mandy in regards to, yes they would accept the draft or no, this is unacceptable, this is what I recommend. She stated, nothing was provided to us from Mandy other than a transfer.

Commissioner Romero stated he finds this hard to believe. Madam Chair Gurulé-Girón said she understands where Commissioner Romero is coming from, but also understand that there are 20 years of history with this person. She stated, nothing has changed. Every time they have a situation it's a corrective action. There is some cooperation and then there is a lack of cooperation. She stated she has been here 11 years now and of those 11 years, 20 of those years have not been productive for the City, primarily because of the Albuquerque HUD office, and it's documented. She stated she is going to have Danelle (Acting City Attorney) provide a complete history of the transfer and things of this nature. Acting City Attorney Smith stated the only thing she can say is that it's not like they have rejected any of these draft policies, they just say that they are incomplete because they have not actually been adopted. Depending on what happens with the transfer of the Housing Authority, this will determine whether you want to take those policies, that apparently have been prepared. You may or may not decide that it is appropriate to just adopt the policies that were sent in draft form.

Commissioner Howell asked, can we have the option of not transferring. He stated he thought the decision was already made by HUD. Madam Chair Gurulé-Girón stated they could go into a receivership but before you ask for a transfer you have to have a transitional plan and nothing like that has been proposed to the City that she is aware of. You have to have a full plan of action as to how this is going to happen, financials, close out, nothing has been done. Commissioner Casey stated, because this is the first step. She said she spoke to Mandy yesterday. She had questions she wanted her to answer and

this is the beginning of the process. She asked Ms. Griego, what if the Commissioners all say no. She stated that Federal HUD will file suit, and you will go into receivership. Commissioner Casey stated to her this is going to cost a lot of money that we don't have and we knew back in December if we did not comply with correcting the deficiencies that were found in the compliance review, that there was a possibility that we would lose the contract to another entity, and that has happened. Commissioner Casey stated Mandy Griego did express her concern that there has not been much movement for the repayment agreement for the money that was embezzled 15 years ago. The positive things she talked about was that in the process of divesting, these resolutions that we are discussing tonight is part one of moving forward in that procedure. The City can formally request forgiveness for some of that debt that was owed and as far as she (Mandy Griego) knew, HUD had never forgiven such a huge amount of money. Tana Vega stated there was a period when some bonds were dissolved or they assumed those bonds and that was in one of the audit reports from back in the early 2000's. Madam Chair Gurulé-Girón stated, and our debt is not as large. Tana Vega stated it's undetermined because the Housing Units, they cited in the report on Procedures performed over the Homeownership Program, it's hard to put an estimate on those homes because, depending on when the rebuilding starts to occur, construction costs have to be current, so they couldn't put that in a formal letter and any kind of decision couldn't be made on that type of liability. Acting City Attorney Smith stated we are getting into the discussion of the resolution. She stated the thing that concerns her about this resolution is that supposedly what Barbara and Natasha had been told is, you adopt the resolution then you go into a period of negotiation, but there is nothing in this resolution that says anything about that, it just says, hereby approves the transfer. She stated along with the resolutions, and these are included in the Commissioners packets, is this letter from Mandy which basically follows this notice, PIH 2014-24, which is the process for Public Housing Agency Voluntary Transfers and Consolidations. Acting City Attorney Smith said in Mandy's letter, it tracks this policy and in this policy it states you start with a letter from the receiving Housing Authority and the divesting Public Housing Authority requesting the transfer. It then goes through a whole list of things that need to be provided. At the time that you provide this request and as far as she can tell, none of this has been done at this point. She read some of the steps required as per the letter from Mandy Griego. She stated after these steps are completed is when you would have a resolution that would be presented along with this letter requesting the transfer. Acting City Attorney Smith said these were some questions she asked and she stated that Natasha and Barbara spoke to Julian who is the person who holds Mandy's position that covers Raton. She stated he wanted this language, but it bothers her that you would want a resolution that doesn't say what it is that you are really thinking is going to happen. She stated supposedly you adopt the resolution and that begins the negotiation process, but where does it say that in here. It doesn't say anything about beginning the negotiation process and it doesn't really follow the notice, which is outlined in Mandy's letter, so to her there is a lot of information that needs to be put together as a packet. The resolution is just one part. She thinks they can adopt a resolution that allows them to write the letter to begin the process of the transfer, but if the idea is that we are going to negotiate some of these items, like the balance owed to HUD which is \$413,000.00 plus 5 units. She stated they would like to negotiate some of that away, not all of it. She stated we have to negotiate with HUD because if you just say we are adopting this resolution, are you just accepting the fact that the City is going to have to put back the 15 units and pay back the \$413,000, when the goal is to try and negotiate some of that away. She stated one other thing that caught her attention in talking to Barbara and Natasha today is that there are 4 employees that are union employees. She stated in looking at the union contract and there is, in article 3, Privatization and Contracting out, which states that the City agrees that prior to privatizing or contracting out bargaining positions, the union will be allowed to submit in writing not later than 10 working days after notice from the City and the written notice is then submitted to the City Manager, and a written response is due 10 days after that. She said if you are contemplating doing this, this is another part that has to be fit into the plan. It doesn't say they have the right to stop you from what you want to do but it says they have a right to speak to it, and if we have a bargaining unit employee at Housing she doesn't think we can

just ignore that part of the union contract. We are just in discussion tonight, but those are some of the things that concern her. She said they want you to adopt this resolution, but to her the resolution should make it more clear of what you are envisioning is going to happen at this stage. Acting City Attorney went on to discuss the steps stated that need to be completed and her concern for the wording on the draft resolutions.

Commissioner Casey stated, it is very clear on page 19 of the email that Mandy Griego sent. It doesn't say we have to have that particular resolution first of all. Commissioner Casey read the steps noted in the letter from Mandy Griego. She stated, all we are doing is passing a resolution that says, yes, we want to negotiate a transfer. Basically that is what it says. Commissioner Casey read, once that has taken place, staff work together to gather the additional information documents to submit to HUD. They give you 120 days to do this. Commissioner Casey read steps needed from the packet information. Commissioner Casey stated, in talking to Mandy yesterday, this resolution is a draft, a sample. They can add language to it or change this language. But we need to submit it. We do not want to go to Federal Court to fight over this. We are not fighting this transfer, we want to negotiate all the terms of the transfer, and that's all we are doing. Commissioner Casey stated, the second resolution is that Raton, who would be receiving the contract, is willing to work with the City of Las Vegas to negotiate those terms. She stated, that's all those resolutions are doing. Acting City Attorney Smith stated, except that they don't say what you just said. Commissioner Casey said well we need to fix them so that they do. But that is the first step. After they receive those resolutions, we have 120 days to start working on that negotiation process. She stated, she wants to make it very clear that the City is not going to lose money, because the money is all Federal Funds. The City has a bank account that holds those funds but the money doesn't belong to the City. It is not General Fund money. It is Federal dollars. So all that is transferring is the contract. Instead of the City managing the contract, it will be Raton managing the contract. Employees that want to become employees of the City instead of Housing, have the opportunity to request transfers to any open position at the City. Commissioner Casey stated that Virginia Marrujo did a very good job of posting all the positions on the City's website as well as the City's Facebook page. She stated there are currently 15 to 20 openings in the City. Some of those people who are working at Housing and wish to be City employees can ask for those transfers. Madam Chair Gurulé-Girón stated it is not that easy because there is a pay plan. Commissioner Casey stated she understands that, but what she is saying is if they wish to, this can be part of the negotiations. She stated, the negotiations can't take place until the resolutions are done. She would suggest, because Raton is having their meeting next Tuesday, and they want to take action on this as soon as possible so they can start the negotiation process with us, that we work on those resolutions and get them ready to go so they can have a Special Meeting next Monday at the very latest. She stated we need to do something to address this because otherwise, she is afraid if we end up in receivership, where are we going to find an attorney. She stated, no offense to Acting City Attorney Smith, but she doesn't know if she wants to go to Federal Court. Acting City Attorney Smith stated she is not in that position. Commissioner Casey stated, so we have to find an attorney that knows Federal HUD Regulations and laws to work for us and that is going to be costly. Acting City Attorney Smith stated, which is not coming out of Housing. Commissioner Casey stated, no, it's not going to come out of Housing, it is going to come out of General Funds and we can't afford to do that. Commissioner Casey stated Mandy Griego did a good job of listing all the good things that could happen if we transfer that contract. We would have a bigger Housing Project, we would qualify for more Federal Funds, we could create programs for the families that live in the Housing Projects. There would be very positive things for Las Vegas. Instead of having 19 boarded up units we could get enough money to open those up, rehab them and offer more Housing to the people who really need it. Those are the things we need to consider, instead of fighting over it. If we are going to be fighting a losing battle, do we want to do that and lose all that money and still end up losing in Federal Court, is it worth it. Madam Chair Gurulé-Girón said we have been through this process in the past and it never got transferred, the Housing has remained here. She

stated she thinks the things we have to look at, is although we have a bigger Housing taking over, which would be Raton, we also have to consider the cultural sensitive issues here, because it's not going to operate as it has in the past. She stated there is going to be other individuals who will be monitoring that, so she would have a huge concern about. She said in the past, she knows for a fact that they have attempted to transfer but she believes it always came back that it was in the best interest of the City to maintain the Housing here. She stated so she doesn't see it going that far. But again, she does agree with Danelle (Smith) that there are a lot of things that need to come forth with regards to negotiations before we enter into a transfer, of any proposed transfer of the Housing. Commissioner Casey stated, she thinks we are already there. Madam Chair Gurulé-Girón stated, that's your opinion but I think we still need further review and I also recommend that we have Danelle involved because she has 20 years of history dealing with the Housing. She stated there is a lot to negotiate. It's not going to be simple. Commissioner Casey said no, but we don't negotiate first and then do the resolution. Madam Chair Gurulé-Girón stated it is not going to happen in a day or two months, she doesn't even know if in three months it will happen because there is so much detail, 20 years of history or more that frankly, she does not believe that Mandy or HUD will negotiate with the City and what the City would propose to. Commissioner Casey stated, so then we are going to end up in Federal Court is what you are saying. Madam Chair Gurulé-Girón stated she does not see that happening. Commissioner Casey stated she thinks it will. Madam Chair Gurulé-Girón told her that's your opinion. Commissioner Casey stated it is not her opinion, it's after she spoke to Mandy, she's sure it is going to happen.

Commissioner David Romero asked Acting City Attorney Smith how much time she has been involved in this right now. Acting City Attorney Smith replied, today. He asked, is that all? She stated yes, saying she spent the day reading the packet, including the PIH notice, and looking at the union contract, trying to have an understanding because basically she was told yesterday that she was going to be coming to this meeting. She stated she has tried to look at everything as she can today and right away when she saw the resolution, Mandy indicates what should be in the resolution but when Julian put the resolution together, that's not what the resolution says, so if you're going to adopt a resolution to begin the process the resolution should be clear that that's what the resolution means. Acting City Attorney Smith read the steps again about adopting the initial resolution. She stated to her, that is what the resolution should say, not that we are approving the transfer, because what is the transfer. We don't have a proposal for what the transfer is. She stated that notice and Mandy's letter are very clear of what needs to be put together so if the Commission decides they want to proceed, the resolution needs to say what they are really trying to do rather than some vague statement. Commissioner Romero said to Acting City Attorney Smith you stated you worked on this all day, why was that call not made to Mandy asking her the specifics. She replied because she figured she would come to council to see what they wanted to do. She stated she didn't call Julian, but Natasha and Barbara called him at her request to find out why is it that these resolutions are put up and the way they are. She stated that he (Julian) told them, according to what they told her, is that they want them to be this way and that we shouldn't be making changes to the language. She stated but to her if you want to be passing resolutions, it should say what you are really doing, not some vague statement that could be misconstrued down the line. If the goal of council is to work on this transfer, put that in the resolution. We are discussing the resolution tonight, we are not adopting it. She stated if she gets direction to rewrite the resolution according to what is really going on, she can rewrite it but at this point this is what they have presented to Commission, not what she has presented to them. Commissioner Romero stated to Madam Chair Gurulé-Girón that she states if we transfer, Raton is not going to do what we ask, can you explain that. Madam Chair Gurulé-Girón stated she is not saying they are not going to do what they ask, she thinks that the cultural differences are going to be, and that was one of the concerns that has been raised already by some of the residents, that it's going to be different with operating, and maybe she is wrong with that assumption but she believes that that will happen. Commissioner Romero stated he remembers Housing trying to regionalize Housing Authority's all around. Madam Chair Gurulé-Girón stated they have been

working on that for years, but some of them have failed as well. Commissioner Romero stated this is one of those items where we are elected to do what is right. To him there is no power overseeing the Housing Authority and this is one of those items that sometimes you have to bite the bullet. Madam Chair Gurulé-Girón said we don't have a problem with that and we have discussed all this already, but she thinks it's just the process isn't being followed. Commissioner Barbara Casey stated, we are not following the process. Madam Chair Gurulé-Girón stated actually the resolution isn't following the process.

Interim Director Padilla addressed the Commission stating she just wanted to correct that she and Natasha Martinez-Padilla did speak to Julian and he did state, and she did let Acting City Attorney Smith know, that this is a draft resolution. This is not set in stone and this is the important part, the discussion. She stated it can be adjusted as needed and that is really the purpose of this meeting, to discuss it and to make sure we do create the resolution as it should be. We are not presenting it tonight for approval, this is just a draft. Commissioner Casey stated Mandy called the City Manager and she wasn't sure who else. Natasha Martinez-Padilla stated that her, Barbara and Tana Vega were also on that conference call. Commissioner Casey said she was wondering why the Commissioners weren't told right away. She stated two weeks have gone by and they get this in their packets for the meeting tonight and it's like a slap in the face because they had no idea that this was happening. She stated they are expected to be able to have input and talk about this and this is a very serious issue and complicated process, and nobody thought of calling a special meeting to let them know what was happening, let them know what the possibility was. Madam Chair Gurulé-Girón stated we did not have to call a special meeting for discussion, Councilor Casey. Commissioner Casey stated, well we should have. Madam Chair Gurulé-Girón stated she does not agree with her. Tana Vega responded to this saying the decision was made to wait until they received the draft resolution in order to present it. She stated she and the City Manager were not aware of what the language was going to entail. She stated she received it just last week in time to submit with their packets.

Commissioner Howell said he asked previously if we have an option to save the Housing Authority to be here in Las Vegas and in listening to the discussion, he sees that HUD has apparently made their decision and he sees in the July 30th letter, the phone conversation summary, it states the first point of action here was, opportunities to move forward with development and other HUD programs have become stagnant, that's here in Las Vegas. He stated that is telling him that the actual transfer of the Authority is going to go to another entity because it is stagnant here, and with all of the findings and the incompletes, the question he has is, do we have the time or the saving time to address those findings that are incomplete so we can save the Housing Authority here. Madam Chair Gurulé-Girón stated, I believe we do. She asked Interim City Manager Ann Marie Gallegos for her thoughts on that. Interim City Manager Gallegos stated we could, as a matter of fact they did receive them last week and they tried to get all of the resolution, it takes time to get those. She stated they were sending things at different times, different dates so when they got all the information, if she hadn't stepped in and stated we needed to have this for discussion, the resolution would have come to the Commission for approval. She didn't feel that was appropriate, she felt the discussion was something they should all be part of. As far as the findings, last week she stated that was the first time they received the final copy of the findings. She said if HUD agrees that they can come back to Commission and bring the policies and procedures as drafted, because that is what they were waiting for. She stated they were waiting for the recommendations because she felt that Mandy sometimes requested that we input from the Federal regulations as well as the State regulations. She said waiting for those and then taking care of two other audits that they were addressing at the time was a little bit on the difficult side, but as far as what Commissioner Howell has said, yes we can because that's an easy thing. She said we have the policies that have already been submitted, all we need is approval from the Commissioners and then we are done. She stated we have completed the findings. Commissioner Howell stated another point in this

letter says opportunity to move forward with development with Las Vegas Housing Authority is well below their Faircloth limit, which leaves room for growth and possibility of new and improved housing in the City of Las Vegas. He stated he doesn't know what that means. Interim City Manager Gallegos stated, that is because of the scores. She stated we are a small agency therefore we don't qualify for as many funds as possibly another bigger agency, and that's one of the reasons behind it. She stated they talk about some of the youth programs and other capital outlay programs that they would have if in fact we went into a larger Regional Authority. That would be up to the Commissioners as well as to whether they would want to do that or not. But that is one of the reasons, because we run a small agency. Commissioner Howell asked Commissioner Casey, since she talked with Mandy, did she say what would happen if we don't go forward with this resolution. Commissioner Casey stated she asked Mandy what happens if the Commission votes no on the resolution. She stated Mandy said, we take you to court. To her that means the decision has already been made, period. That's what she is hearing from her. Madam Chair Gurulé-Girón stated this transfer has come, I don't know how many times to the City throughout the years. Commissioner Casey stated Mandy Griego sent her an email, and she asked if she could read it into the record. Madam Chair Gurulé-Girón stated yes, absolutely, anything that you state or share with any Council members has to be shared with the public. Commissioner Casey stated she has not shared it with anybody. Madam Chair Gurulé-Girón stated to give it to Barbara Padilla so she can read it, and stated she wanted a copy of it as well for the record. Interim Director Padilla read the letter which stated:

Good morning Barbara,

Thanks for talking with me yesterday. I really appreciate you taking the time to understand this process. I want to emphasize again that our priority is to have adequate management and governance of the program for the benefit of the low-income families of Las Vegas. This does not mean we are unconcerned about the employees. We have seen through the many previous transfers that the employees are also better off with a high performing, stronger housing authority.

I'm also attaching the original set of reports from 2005 that detail the fraud, theft, and mismanagement during Lawrence Quintana's tenure. After his departure, HUD contracted with a consulting firm to conduct an independent assessment to confirm our findings. That report is attached as well. We then contracted with another firm to serve as a Board advisor for 4 months, train staff and Council, develop new policies, and help select the new Executive Director. HUD invested a couple hundred thousand dollars to help the City fix these issues, and all in vain. Subsequent administrations, with one exception, have had similar issues though not as severe. As it always seems to happen in Las Vegas, politics interferes with the performance and improvement of this program. We are fortunate at this time to have a Council that truly wants to make a lasting difference. Please let me know if I can provide any additional information.

Best,
Mandy

Madam Chair Gurulé-Girón requested a copy be given to Acting City Attorney Smith for their records.

Madam Chair Gurulé-Girón stated we are over 30 minutes and we need to move on to the next meeting so she needs to call a point of order at this time, and they were given 5 more minutes to close out.

Natasha Martinez-Padilla wanted to make a statement saying, we have worked with Housing Authorities through the NAHRO process and through different processes of Housing Authorities that have transitioned and regionalized and become component units. She stated different things that they have

done since they have gone away from local governments. She stated the services themselves still stay in the community. The services will still be for the tenants. She stated, there is no way to get the units and take them to Raton, that's not how it works. The services will stay in this community. Madam Chair Gurulé-Girón stated she thinks they all understand that. Mrs. Martinez-Padilla went on to say with Commissioner Howell talking about "saving" the program. It's not that it needs saving, right now what they are trying to do is transition the management. We have had special audits, we have had different things that have come up and because Mandy Griego is our Analyst, she is the one who needs to communicate this with us. It is not just her behind the scenes doing it, there is a group of them. Natasha stated a lot of times in discussion it's Mandy, Mandy, Mandy, but they all work together. There are engineers, there are financial analysts, they all work together to get this stuff going. There are a lot of pros to transferring for the City and the Housing Authority and most importantly for our tenants. We are public servants and that is what we are here for. We are here for them and that's all she wanted to say.

Commissioner Romeo stated right now because of the history there is a lot of legal issues that we are going through. As he understands, right now they cannot apply for certain funding because of these things. He stated as Interim City Manager Gallegos said, if it goes to a larger Housing Authority, there is opportunity for growth for our community and there is opportunity for programs that we don't have. Commissioner Romero stated he is making a motion right now, that they have a special meeting, either Friday or Monday and with that he asked Acting City Attorney, Smith to address those matters which they feel need to be put into that resolution. Madam Chair Gurulé-Girón stated what she is going to recommend is that they have the Acting City Attorney, along with staff work on the resolution before we call the meeting, to have them prepare the resolution and then bring it to the Commission at that point in time. She stated that the City Attorney has to contact Mandy and they have to come up with a plan of action. It's not going to be an overnight thing. This is 20 years or so of Public Housing. There is a lot of litigation, there are a lot of issues and she has been here 11 years and there is a tremendous amount of issues and concerns that they all have. She stated it's going to take a really good team to negotiate what we feel is in the best interest of the City with regards to the monies that are owed, the fair market values on those monies. She stated what she would like to recommend is that we have our Interim City Manager, Tana Vega, our Housing individuals and our Attorney's, sit down, because she is more familiar with Housing than anyone, and have them come up with viable recommendations, prior to the resolution and then bring it to an open meeting to the City Commission. And at that time have the resolution ready. Madam Chair Gurulé-Girón again stated it is not going to happen overnight.

Commissioner Casey stated, she thinks she has the process backwards. She said we have to have the resolution first before those talks can take place. Madam Chair Gurulé-Girón stated and that is not what she is hearing from Acting City Attorney Smith. Commissioner Casey stated that is what she heard from Mandy. She explained, the process is, the resolutions come first and then the negotiation process starts. That's when you have 120 days to continue the negotiations and work out the rest of the process. She stated what Commissioner Romero is asking that our City Attorney write the two resolutions we have here. Madam Chair Gurulé-Girón stated it is not just going to be the City Attorney it is going to be a team. Commissioner Casey stated it can be the team, but those resolutions need to be done, so they can have a special meeting on the 20th, get those approved to start the process. Madam Chair Gurulé-Girón asked, and if we don't have the resolution and process resolved. Commissioner Casey stated, then there is no process. She stated, the process does not get resolved on that day. We have 120 days, that was very clear, to do the process and to negotiate those terms. Think about what you want to talk about and then negotiate. Without the resolution, the process does not start, and if it doesn't start, we go to court.

Commissioner Romero asked Acting City Attorney Smith, isn't that what you said, that the one resolution starts the whole process. Acting City Attorney Smith stated what Mandy is saying is that there should be this one resolution to start the process. There is going to be another resolution to adopt it later on. Commissioner Romero said that is what he is talking about. He is requesting a special meeting on Monday, so Acting City Attorney Smith can draft that first resolution so we can get the process started. Acting City Attorney said right, and the second resolution, to her doesn't even make any sense. Madam Chair Gurulé-Girón stated to Commissioner Romero, it is not an action item so you cannot make a motion, you can only ask for a consensus for a special meeting. You have to ask for a consensus. Commissioner Casey stated it can be consensus or it can be three Commissioners agreeing to have a special meeting. Madam Chair Gurulé-Girón stated, yes. Commissioner Casey then stated she is requesting a special meeting along with Commissioner Romero. Madam Chair Gurulé-Girón stated she feels they are doing it backwards so she doesn't agree with that recommendation. She recommends that they actually have the Acting City Attorney sit down with Housing, with Finance. Commissioner Romero stated there is a motion on the floor and a second. Madam Chair Gurulé-Girón stated she still has a concern about that and she wants to state that before she calls for the question. She stated she does not believe they should move forward with that until our City Attorney reviews this because nobody has more experience than she does with Housing, as well as our City Manager, our Finance Director and Housing need to sit down and figure out what we are going to do first. She stated let them start a plan, but there is a request on the floor and she does not support that request.

Commissioner Howell asked Acting City Attorney Smith to draft up the first resolution that authorizes them to move forward. Madam Chair Gurulé-Girón stated they are calling for a meeting for the plan. Commissioner Howell stated no, they are asking for a meeting to adopt the first resolution to start the process. Madam Chair Gurulé-Girón asked Acting City Attorney Smith, can you do that by Monday, to which she replied yes. Acting City Attorney Smith said she thinks it has to be before Monday because of open meeting requirements in terms of notice. She stated she would probably follow this language and needs to make a call and find out what they mean, and why there are two separate resolutions. Even though it says, whereas, this enables the City of Raton Housing Authority to operate within the jurisdiction of the City of Las Vegas, and then it says we hereby approve the operation. She said she doesn't know what that means, and she needs to find that out. Madam Chair Gurulé-Girón again stated we should not have a meeting until we know. Acting City Attorney stated she can prepare the resolution. Madam Chair Gurulé-Girón stated once you prepare the resolution then we should call a meeting. Commissioner Howell disagreed saying, no. Madam Chair Gurulé-Girón asked Acting City Attorney Smith what she thinks. Acting City Attorney Smith stated we have to have the resolution beforehand because we have notice to have it considered at that meeting. She stated the goal of that would be to simply use the language, that this is the resolution authorizing the activities and directs management to allow both agencies to work together. Similar to the language Mandy uses in the letter they were provided. She stated it just needs to be clear what you are really authorizing. You are not authorizing a transfer, because you don't even know what that transfer would be, but you are authorizing the HA here to start negotiating with HUD and the Raton HA. Commissioner Romero stated, that is what he is asking for in his motion, he would like to have it Monday. Madam Chair Gurulé-Girón stated you can call for the meeting but she will set the date and time for that meeting and she will defer to the Attorney when that happens. Commissioner Casey stated to Madam Chair, are you amending his motion. She stated she is amending the motion because it is consistent with the policy. Disagreements ensued in the conversation with Commission members and Madam Chair. Madam Chair Gurulé-Girón asked Acting City Attorney Smith, on the agenda, the Mayor sets the date and time, is that correct. Acting City Attorney Smith said it's true. Commissioner Romero asked Acting City Attorney, so I can't say by Monday. Acting City Attorney Smith stated the whole point of Monday is because Raton is having a meeting on Tuesday, but that doesn't mean that's the end of it. She stated if we don't have the

meeting on Monday then Raton is going to take it off the agenda and they are going to put it back on after you adopt the resolution. To her, the whole issue that it has to be by Tuesday false.

Commissioner Romero asked Acting City Attorney Smith for her input stating now that she is here and because they have been having these problems. He stated we are a governing body here and sometimes he feels that the Mayor gets to tell them what to do. He stated he was elected by the people, not by her, so why can't he say he wants to have a meeting on a certain day. Acting City Attorney Smith said the thing about it is there are issues with the City ordinances. She said the ordinance says that the Mayor sets the agenda, and generally speaking the Mayor sets the date of special meetings, and that's by ordinance, and the ordinance hasn't been changed. The Commission has never adopted an ordinance that would change that. Commissioner Romero stated they have tried but they can't even change that because they can't get it on there. Acting City Attorney stated it's like a conundrum. She stated, there does need to be a special meeting to adopt a resolution, but Monday is not the absolute date. Commissioner Romero asked if he could give a deadline of one week. Madam Chair Gurulé-Girón stated, that's fair because that will give us the opportunity to have our City Attorney sit down with Mandy to let us know exactly what is expected.

Commissioner Romero stated, I amend my motion to within one week. Madam Chair Gurulé-Girón said thank you, I appreciate that, now I have a second. Resident Commissioner Ember Davis said she has a third. Acting City Attorney stated there is no third but she can vote.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner Vince Howell	Yes
Commissioner David Romero	Yes
Commissioner Ember Davis	Yes
Commissioner David Ulibarri	Yes
Commissioner Barbara Casey	Yes

Barbara Padilla re-read the motion and advised the motion carried.

Commissioner Romero wanted to ask one more legal opinion. He stated there was one finding that had to do with personnel about them misusing funds and spending it on something they shouldn't have, and then the City used those funds to recover it. He asked Acting City Attorney Smith if she can you look into the legalities of having that individual pay back instead of having the city take that hit. He stated he feels that eventually that will be a finding in this year's audit. Madam Chair Gurulé-Girón asked Tana Vega to respond to that. Tana stated, one of the expenses was for legal dues for the paralegal and it was appropriate to take it out of the attorney's department line item, which she stated, she did transfer those expenditures into that line item. She stated as far as the travel that she did on behalf of the Housing. However, she used a private vehicle and Mandy found an issue with that because of a family member being in the vehicle with this individual. Mrs. Vega stated they are looking into recouping those funds as well. Madam Chair Gurulé-Girón wanted to make this very clear, and asked Tana Vega to give a very clear and comprehensive response. She asked, was there anything illegal that occurred. Commissioner Romero asked shouldn't that go to the attorney. Madam Chair Gurulé-Girón said it goes to Tana because she is the finance person. Acting City Attorney Smith stated she wouldn't even, just off the cuff, get into that. Commissioner Romero said he thinks this is a consensus and asked the Attorney if she could look into that. Madam Chair Gurulé-Girón yes because she does not want somebody here to report the Administration again to the Attorney General's office or request another special audit that's going to cost us another \$80,000, because someone misunderstood something. Commissioner Romero asked if there was a consensus. Madam Chair Gurulé-Girón said yes she doesn't have a problem with

that. Acting City Attorney Smith stated she doesn't mind taking a look at that but she would rather first deal with the resolution.

Commissioner Barbara Casey had a suggestion for the future, whenever they have an important issue that is coming up like this, they should be given an hour and a half. Madam Chair Gurulé-Girón stated she understands that, we realize that but we need to move on.

HOUSING DIRECTOR MONTHLY REPORT

Interim Director Barbara Padilla reported that the HA did receive written approval from the Special Applications Center for the De Minimis application for the demolition of the 5 units, so we can now commence with that.

COMMISSIONERS REPORT

Commissioner Romero asked for a follow up on the debris on HA property. Mrs. Martinez-Padilla stated we are addressing that.

EXECUTIVE SESSION

None


ADJOURN

Commissioner Barbara Casey made a motion to adjourn the meeting. Commissioner Romero seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner Ember Davis	Yes
Commissioner David Romero	Yes
Commissioner David Ulibarri	Yes
Commissioner Barbara Casey	Yes
Commissioner Vince Howell	Yes

Barbara Padilla re-read the motion and advised the motion carried


Madam Chair Tonita Gurulé-Girón

ATTEST


Casandra Fresquez, City Clerk